STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES PUBLIC NOTICE OF AVAILABILITY OF A MULTIDISCHARGER VARIANCE PACKAGE AND PUBLIC HEARING

Brief Description: The proposed multi-discharger phosphorus variance is designed to provide a new tool for industries and municipalities facing restrictive phosphorus compliance costs. A multi-discharger variance extends the timeline for complying with low-level phosphorus limits. In exchange, point sources commit to step-wise reductions of phosphorus within their effluent while addressing nonpoint sources of phosphorus from farm fields, cities or natural areas. The draft multi-discharger variance package provides the technical justification for the variance as well as the proposed implementation strategy for this variance. These documents and other supporting information are available online at http://dnr.wi.gov/topic/surfacewater/phosphorus/statewidevariance.html. Section 283.16, Wis. Stat. provides the statutory requirements for the multi-discharger variance. EPA approval is required before this tool would become available to WPDES permit holders. If approved, WPDES permit holders will be required to go through site-specific evaluations prior to being able to utilize the phosphorus multi-discharger variance option in their WPDES permit.

Lead Contact: Amanda Minks, WDNR, 101 South Webster Street, Madison, WI 53703-3474, (608) 264-9223

Hearing Date, Time, and Location: Wednesday, December 9, 2015, 9:00 am, Chula Vista Resort, 2501 River Road, Wisconsin Dells, WI 53965

Hearing Officer: Adrian Stocks, WDNR, 101 South Webster Street, Madison, WI 53703-3474, (608) 266-2666

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled for the time and place listed above, a public hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the above announced permit action for this existing and new additional discharge.

A hearing officer will conduct the hearing in an orderly and speedy way and will use procedures specified in Subchapter II of ch. NR 203, Wis. Adm. Code, necessary to insure broad public participation in the hearing. The hearing officer will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the method of notification of the final decision to grant or deny the permit and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may put limits on individual oral statements to insure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group. Informational and clarifying questions and oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

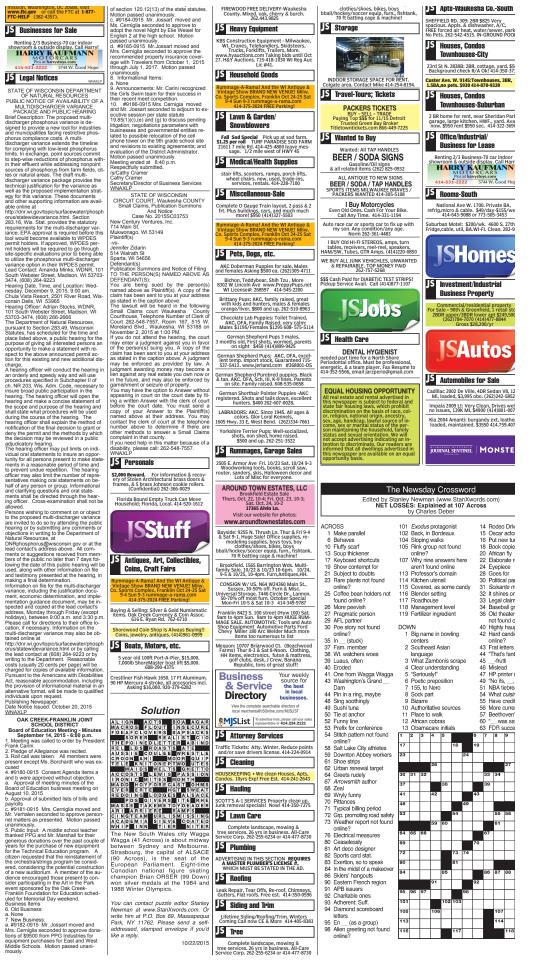
Persons wishing to comment on or object to the proposed multi-discharger variance are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at <u>DNRphosphorus@wisconsin.gov</u> or at the lead contact's address above. All comments or suggestions received from members of the public no later than 7 days following the date of this public hearing will be used, along with other information on file and testimony presented at the hearing, in making a final determination.

Information on file for the multi-discharger variance, including the justification document, economic determination, and implementation guidance document, may be inspected and copied at the lead contact's address, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call for directions to their office location, if necessary. Information on the multi-discharger variance may also be obtained online at http://dnr.wi.gov/topic/surfacewater/phosphorus/statewidevariance.html or by calling the lead contact at (608) 264-9223 or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of available information. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

Date Notice Issued: October 22, 2015

Milwaukee, Journal Sentinel 10/22/2015

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March 11, 2016 4:58 pm /

Statewide phosphorus multi-discharger variance

A multi-discharger variance (MDV) extends the timeline for complying with low-level phosphorus limits. In exchange, point sources commit to step-wise reductions of phosphorus within their effluent as well as helping to address nonpoint sources of phosphorus from farm fields, cities or natural areas to implement projects designed to improve water quality.

Need for a MDV:

Section 283.16, Wis. Stat. became effective in 2013 through the enactment of Act 378https://docs.legis.wisconsin.gov/statutes/statutes/283/III/16. As a result of this legislation, the Department of Administration (DOA) and DNR investigated the impacts of costs associated with wastewater treatment to remove phosphorus on Wisconsin's economy. This determination revealed that these costs cause a substantial and widespread economic impact to the state, costing approximately \$6 billion dollars to point sources and communities over a 20-year period. For this reason, a MDV is being solicited.

Public Hearing Notice:

A public hearing is being held by DNR to receive comments on the proposed multi-discharger phosphorus variance. This hearing will be held from 9am-12pm on December 9, 2015 at Chula Vista Resort in Wisconsin Dells.

In addition to comments provided at the hearing, written comments also may be submitted to <u>DNRphosphorus@wisconsin.gov</u> or sent via U.S. mail to Amanda Minks, DNR water resources management specialist, Wisconsin Department of Natural Resources, Box 7921, Madison, WI 53707-7921. The deadline for submitting comments is December 11th. Written comments carry the same weight as comments provided at the hearing.

Documents Available for Comment:

DNR is seeking comments on several documents that justify and provide the implementation strategy for the MDV. These documents are:

- DOA's Economic Determination
- MDV Justification Document
- MDV Implementation Guidance Document
 - o MDV Application for Municipal Facilities
 - o MDV Application for Industrial Facilities
 - o MDV Payment Verification Form
 - <u>County Participation Form</u>
 - o <u>County Watershed Plan Submittal Form</u>

Please replace all existing text on

http://dnr.wi.gov/topic/surfaceWater/phosphorus/statewideVariance.html with the following:

- o MDV Watershed Plan Checklist
- o **DNR Evaluation Checklist**

Supporting Documents:

- MDV Fact sheet
- <u>Cover Letter to DOA's Economic Determination</u>
- <u>Response to Comments on DOA's Economic Determination</u>
- Economic Impact Analysis Combined Report
- Addendum to Report
- Update to April 2015 Memorandum to WDOA on Interest Rate Assumptions
- DOA's Public Hearing Presentation Slides

Contact:

If you have questions or feedback about phosphorus implementation or the MDV, please contact Amanda Minks, DNR water resources management specialist, 608-264-9223, <u>Amanda.Minks@Wisconsin.gov.</u>